CHAPTER 13

Procurement and Vendor Management

This chapter considers the procurement of commodities and services and the management of those services in a mass fatality DNA identification effort. Adequate storage for consumables and adequate space and utilities to support the operation of new equipment also must be ensured.

A laboratory that is faced with responding to a mass fatality incident may need to rapidly procure laboratory reagents, supplies, equipment, testing services, and consultants. The laboratory also will have to decide how to handle and prioritize the samples. (See chapter 4 for a discussion on determining whether an outside vendor is needed to help provide testing services.)

Ordering Supplies and Equipment

If some or all of the testing is to be performed in-house, consumables and new equipment may need to be purchased. It is important to review current contracts and standing orders, because procuring the same lot number of reagents and model of equipment currently being used may be helpful.

Waiting to consider whether new equipment or test systems would be needed in the event of a mass fatality incident can impact a laboratory's personnel during a difficult time. Implementing new protocols, procedures, and equipment—unless absolutely necessary for making identifications—is best not done during a mass fatality response. If the laboratory has a validated method that is adequate for processing mass fatality samples, it may save time to use the established procedure. On the other hand, advance planning may lead to a new method or piece of equipment that will help the laboratory—or another laboratory—should a mass fatality incident occur.

The laboratory's purchasing department can help ensure that procurement rules and regulations are followed. For example, is there a cap on what can be purchased without going out on bid? Will new contracts need to be established? It also may be advisable to consult with the Federal Emergency Management Agency (FEMA) regarding procurement rules.

Assigning someone to be responsible for placing orders associated with a mass fatality incident will help ensure receipt of the correct consumables and equipment. Adequate storage for consumables and adequate space and utilities to support the operation of new equipment also must be ensured.

Outsourcing Sample Testing

The best time to establish a good relationship with a vendor is during the planning phase for a mass fatality incident. Although outsourcing testing can be expensive—from $30–$60 for a reference buccal sample to hundreds of dollars for a disaster sample—it may be necessary or more effective to have another laboratory test some or all of the samples. For example, an outside laboratory may test certain sample types—family reference, personal items, or disaster samples—or a portion of the samples for quality control or conformation testing. An outside laboratory may be used for certain types of testing technologies—mitochondrial, single nucleotide polymorphism, or new technologies, for example—or for extraction and data analysis only. On the other hand, the entire testing process, from accessioning to data analysis, may be outsourced. Even in this situation, however, the managing laboratory is ultimately responsible for the quality and accuracy of the data.

The laboratory's contracting office can ensure that contracting regulations are followed, and

discussing this issue with a vendor in advance may prevent later problems. In an emergency situation, an agency may not be required to follow the typical, lengthy contracting procedures to obtain the best value but, rather, may be able to initiate contracts without competition. If a managing laboratory's normal contracting process is not followed, however, it is very important to document the new process to reduce the potential for future problems.

To assist in the response to a mass fatality incident, a laboratory may contract with a current or new vendor, or seek help from another government agency. If the managing laboratory is already contracting with a vendor whose quality is satisfactory, it may be advantageous to use that vendor to process mass fatality samples, assuming the vendor's capabilities and capacities can support the laboratory's needs. For example, does the vendor have the capacity (e.g., equipment and staffing) to meet throughput and turn-around-time requirements, even while working on other contracts? If not, is the vendor able and willing to interrupt its regular work to take on the testing of mass fatality incident samples?

Does the vendor have experience in successfully typing samples from a mass fatality incident? The managing laboratory director needs to keep in mind that the volume may be larger and the samples more challenging than the vendor laboratory has previously experienced.

Before any new technology is brought to bear on precious and irreplaceable samples like the victim remains in the World Trade Center disaster, validation testing must be performed to verify that it is capable of producing reliable results. Beyond the core issue of test reliability, we also assessed the results of new methods to determine their power to raise a profile to the level of an identification and for issues of compatibility—linkage—with other markers.

John Butler

Meeting turnaround requirements in the face of expectations from victims' families, the media, and policymakers likely will pose other challenges—and the laboratory director should not be afraid to ask for what is needed. For example, if a laboratory director is relatively inexperienced in contracting for testing services, he or she should enlist the support of laboratories that have extensive outsourcing experience. See appendix F for a discussion of issues that a laboratory director may want to consider when outsourcing sample testing to a vendor laboratory.

Government forensic laboratories may be able to provide assistance in a mass fatality incident identification response. Each agency that is helping in a mass fatality identification effort must understand its own and others' roles and responsibilities, the scope of tasks, and the duration of expected services. It may be helpful to prepare a detailed Memorandum of Understanding (MOU), including a project point of contact for each agency.

Whether a laboratory director obtains the assistance of a private vendor laboratory or another government agency, it is important to review the testing procedures to be used. If more than one testing laboratory is used, for example, testing systems and results systems must be compatible with each other.

It is also critical to address how the samples will be numbered and how the data will be returned to the managing laboratory. The software package that evaluates the data is vital to managing this data exchange, and an MOU or vendor contract should specify how these issues will be handled.

Consultants

Consultants can provide critical support to a mass fatality incident DNA identification response. For example, consultants may write or customize computer programs to tabulate and review data or to perform complex kinship analysis.

It may save time to ask prospective consultants to submit a proposal in response to an RFI (request for information), as this may allow the winning proposal to be incorporated into a contract. Proposals should define the consultant's roles, responsibilities, tasks, acceptance criteria for deliverables, timeframes, and hours and fees. Consultants should provide a list of references, and the laboratory director should ask references such questions as:

- What did the consultant do for you?
- Was the consultant responsible and of value? Why or why not?

- What are the consultant's strengths and limitations?
- Would you hire the consultant again? Why or why not?

Consultants typically charge by the hour, and they should be able to provide an estimate of fees. Any tasks beyond the scope of the contract would be reflected in invoices. The laboratory's contracting office should ensure that contracting rules and regulations are followed when hiring a consultant, and an experienced consultant should be able to provide the necessary proposals and paperwork to make this a straightforward task.

Vendor Management

Working simultaneously with vendors, government agencies, and consultants can be challenging under the best of circumstances, but it becomes even more demanding when the laboratory is handling a mass fatality incident response. It is important to maintain open lines of communication with vendors. Regular written updates and status meetings are good tools. A meeting agenda—that is adhered to—helps keep everyone on track and serves as a paper trail of the project's progress.

It is important to retain correspondence with vendors and to maintain documentation of decisions affecting vendors. For example, saving e-mail messages is an efficient way to document decisions.

It is very important for the laboratory director to consult with the laboratory's contracting officer if the scope of work changes during the project because modifications to the contract (e.g., scope of work and fees) may be required. Working closely with the contracting officer during all stages of contract development may help to minimize future problems. The managing laboratory director can best control how tasks are performed when a contract with a vendor or consultant specifies needs and expectations. Although most vendors and consultants want to serve their clients to the best of their abilities, it is important to remember that vendor processes and approaches may conflict with the laboratory's protocols. For example, a vendor laboratory may be most comfortable and experienced with a certain DNA testing procedure that is different from the method of analysis used by the managing laboratory.

In the middle of a massive forensic and humanitarian effort, it's easy to expect that suppliers and contractors will be on the same page as the managing laboratory. But that is a sure path to misunderstanding and disappointment on both sides. Having explicit contracts can help clarify expectations and set the basis for accountability that can curb cost overruns.

Steve Niezgoda

A computer consultant, for example, may want to add a software feature that will delay making identifications, even though the feature may improve efficiencies in the long run. To the extent possible, it is best to avoid becoming a beta-test site—having to validate a new software program or piece of equipment—in the middle of a mass fatality incident response. When working with outside vendors, laboratory directors would be well advised to remember that they are the "customers" and they are ultimately responsible for the project's success.